

HOUSE BILL 3593

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to compensation of county officials.

WHEREAS, pursuant to law, each state official receives a stipulated salary paid from funds appropriated by the general assembly and, in consideration of such salary, the official performs all services, acts and duties as are imposed upon the officer by law, including all official acts, services or duties, ex officio or otherwise; and the salary stipulated is deemed to constitute full compensation to the officer for the performance of such services, acts and duties; and

WHEREAS, all fees, commissions and funds collected by state officials in the performance of their official services, acts and duties are received, accepted and accounted for as agents and officers of the state, for and in behalf of the state, and as the property of the state; and

WHEREAS, as property of the state, all such fees, commissions and funds are subject to oversight, control and appropriation by the general assembly; and

WHEREAS, in certain counties of Tennessee, certain county officials, (including clerks and masters of the chancery courts; the county clerks; and clerks of the probate, criminal, circuit and special courts; county trustees; registers of deeds; general sessions court clerks; juvenile court clerks; and sheriffs) are legally authorized to retain a portion of the fees, commissions and funds they collect in the performance of their official services, acts and duties and are legally authorized to utilize such revenues to underwrite the cost of self-awarded salary supplements for themselves and their staff; and

WHEREAS, the fees, commissions and funds so retained (as well as the salary supplements so funded) are not subject to oversight, control or appropriation by the county legislative body or any other governmental entity; and

WHEREAS, some of these self-awarded salary supplements are reported to be quite generous; and

WHEREAS, it is appropriate to review and evaluate the wisdom and soundness of those public policies and practices that permit these self-awarded salary supplements; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following language as a new section:

The comptroller of the treasury shall review and evaluate the wisdom and soundness of current public policies and practices which enable certain county officials in some counties (including clerks and masters of the chancery courts; the county clerks; and clerks of the probate, criminal, circuit and special courts; county trustees; registers of deeds; general sessions court clerks; juvenile court clerks; and sheriffs) to retain a portion of the fees, commissions and funds they collect in the performance of their official services, acts and duties and to utilize such revenues to underwrite the cost of self-awarded salary supplements for themselves and their staff. The comptroller of the treasury is directed to report specific findings and recommendations, including any proposed legislation, to the general assembly on or before January 8, 2013.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.